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OLIPPAC COULD ACHIEVE MORE THAN POLITICAL STABILITY

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Introduction

The Preamble to the *Organic Law on the Integrity of Political Parties and Candidates* (OLIPPAC) states that the Law was intended to achieve more than political stability. It was intended to strengthen the system of voting in parliament in relation to votes of no confidence against a Prime Minister, develop a *political culture* that absorbs values of constitutional democracy such as women's political participation, and to unite Papua New Guineans as one people through a *government of the people, for the people, but more importantly, by the people*. It was intended to promote the stability and integrity of political parties and candidates.

Has OLIPPAC achieved stability and integrity of political parties and candidates?

OLIPPAC sought to regulate the endorsement of candidates by prohibiting

double endorsement per electorate by political parties, and prohibiting candidates' acceptance of double endorsement from political parties (OLIPPAC ss.54 and 56).

However, some political parties *covertly support* other candidates, in the hope of securing them to boost their numbers, if the candidates do win the seats they are contesting. Similarly, candidates, other than those formally endorsed, accept such support from some political parties. The law falls short of achieving the integrity of parties and candidates. Legislators should review the provisions of OLIPPAC to the extent that such practices violate ss.54 and 56 of OLIPPAC.

Party hopping by Members of Parliament (MPs) undermines the integrity of political parties. Perquisites offered by rival political parties in Government and Opposition lure individual MPs to shift party allegiances. This behaviour has become more

frequent in relation to the Opposition's attempt to move a vote-of-no-confidence in Prime Minister Michael Somare, following the 7 July, 2010 Supreme Court's nullification of sections of the OLIPPAC. The nullification removed provisions that restricted freedom of choice in voting, especially of Independent MPs, on matters relating to:

- the national budget;
- election of a Prime Minister;
- the national budget;
- a vote of no confidence; and
- amendments, repeals or enactments to the Constitution or an Organic Law.

Party hopping undermines s.65 (1) (a), (b) and (c) of the OLIPPAC which disallow MPs who are members of a registered political party from joining other registered political parties, and voting in a motion of no-confidence against the prime minister on the basis of the party resolution. In addition, party hopping weakens s.24 (3) of the OLIPPAC which states that MPs shall not be a member of more than one political party at the same time. These sections of the OLIPPAC and party hopping, triggered by the July 7, 2010 court decision, require the attention of policy and law makers

Has PNG's political culture compromised OLIPPAC provisions?

Sections 54 and 56 of OLIPPAC dealing with double endorsement, s.83 dealing with funding of female candidates, and s.65 (1) (b) which prohibits MPs who are members of registered political parties, subject to s.60 (2) (d) and (3) (a) have been difficult to administer. PNG's *political culture* rather than the PNG Constitution dictates the behaviour of political parties and candidates. Mechanisms to enforce these provisions are weak, do not exist, or are not in place.

Political parties attempt outside provisions of OLIPPAC to boost their numbers elected: this includes covert support for candidates. Likewise, candidates outside OLIPPAC attempt to get political party support to enhance their chances of winning: hence covert arrangements with political parties. In this context, ss.54 and 56 of OLIPPAC are difficult to administer. Offers and acceptance of financial and material bribes, often regarded as *gifts*, undermine enforcement of these provisions.

A monitoring mechanism could be inserted in OLIPPAC to require the Office of the Registrar of Political Parties and other stakeholder organisations to develop guidelines for monitoring political parties for conformity to ss.54 and 56 during elections. The monitoring would determine the degree of adherence to both sections by each political party. Such a mechanism could also apply to other sections of OLIPPAC, including s.65 on defection from a registered political party and party recruitment of independent candidates soon after election.

Can PNG's political culture be adapted to enhance gender equality in Parliament?

Financial incentives provided for by s.83 of OLIPPAC do not persuade political parties to endorse more women candidates. In the 2007 General Elections, political parties endorsed less than five percent of the 101 women candidates. Political parties endorse candidates (male and female) which the parties think will win seats for them. The parties believe male candidates have a better chance of winning seats than their female counterparts. This belief is influenced by the general voter attitude where there is a bias towards male candidates.

Other Pacific island nations have taken measures to induce political behaviours that adhere to values of democracy and commitment to the Millennium Development Goals. In 2008, the Federated States of Micronesia (FSM) commenced use of Temporary Special Measures (TSMs) to increase the number of women in its legislature. Temporary Special Measures were put in place in relation to Strategic Objective 8 of the Pacific Plan 2005 which prioritises improving gender equality. In the 2006 Fiji National Elections, the Fiji Women's Rights Movement (FWRM) undertook a Women in Politics (WIP) Appeal and raised (Fiji) \$11,000 to assist women candidates, irrespective of their political party. This is because gender equality cuts across party lines. Thirty women candidates received (Fiji) \$366 each.

PNG could learn from the FSM and FWRM that political will, and advocacy at the highest political level, can get political parties to support and/or endorse female candidates, as well as elect and/or appoint women to parliament through Temporary Special Measures.

At present political parties do not accept their obligations under OLIPPAC. Accordingly, they do not comply fully with these obligations. Section (c) of the Preamble of OLIPPAC requires political parties to ensure participation of people to enhance the principle of a *government of the people, for the people, but more importantly, by the people*. This national obligation is because political parties, under OLIPPAC, are national institutions.

Since political parties have a poor record in endorsing female candidates, in elections, and of support for TSMs for women in parliament, they hardly comply with the principle of a *government by the people*, and with the obligation of promot-

ing national unity. National unity implies gender equality but political parties do not promote equality of opportunity between men and women. Promoting gender equality in political participation encourages political integration as called for under Item 2 of the Political Party Communiqué, which came out of the July 2010 OLIPPAC Conference, in Alotau, Milne Bay Province.

Funding for female candidates, under s.83 of OLIPPAC, has not induced political party endorsement of female candidates. The low level of endorsement of female candidates by political parties shows that the financial incentives did not appeal to them. Mandatory or voluntary quotas for endorsement of female candidates are needed, combined with a reshaping of incentives in formation of government.

Political parties do not proactively support *mandatory* and/or *voluntary quotas* for endorsement of female candidates in elections. Mandatory and/or voluntary quotas warrant a policy response under OLIPPAC, so that political parties fulfill their legal obligations.

Reshaped incentives could produce better compliance and application of ss.54, 56 and 83. One incentive could be for the Governor General, under s.63, to invite political parties whose endorsement of women candidates is more than 10 percent of the party's total endorsement of candidates, and, where women candidates endorsed by the party secure 10 percent or more of total votes in any electorate, to form government with the party which won the most seats. This reduces political horse trading and ensures formation of a coalition based on adherence to the values of democracy and the Millennium Development Goals, including gender equality and empowerment of women. Parties endorsing women candidates who

win seats could also be encouraged to form government.

Moving ahead

OLIPPAC has achieved executive and general political stability between 2002 and 2007, and from the 2007 General Elections until now.

OLIPPAC has fallen short of achieving the stability and integrity of political parties and candidates, and promoting national unity and political integration. It has not realised the objectives of the national Constitution, the PNG 2050 Vision, the 2011–2015 Medium Term Development Plan, and the Millennium Development Goals in relation to gender equality and the empowerment of women.

Mechanisms to monitor political parties' funding and support of candidates should now be planned. Action is now required if these mechanisms are to function effectively in the next General Elections. The Central Fund Board of Management established under OLIPPAC Part IV and its allies in the Electoral Commission, the Ombudsman Commission and other agencies need to prepare and have funded and staffed mechanisms for implementation.

Parliament has on its Notice Paper, proposals to amend the *Constitution* and the *Organic Law on National and Local-level Government Elections* in order to

provide for women's reserved provincial electorates for the Parliament to be elected in 2012. One proposal is that this special provision be amended during enactment in order to make it a TSM, only for Parliaments to be elected in 2012 and 2017.

Enactment would go some way to meet the concerns expressed in this paper for moves to gender equality in Parliament.

However, proposals contained in this paper would provide a real and lasting basis for gender equality because they build on the national political culture. Political parties want more candidates elected. Political parties want a place in government. The proposals for a preferred status for political parties which have demonstrated their commitment to enhanced gender equality by more female candidates supported and more women MPs elected builds on the national political culture.

Again, time is short. If Parliament does not enact the amendments required for the creation of women's reserved provincial electorates, then moves should commence almost at once to amend the *Constitution*, and *OLIPPAC* to address the issues identified in this paper.

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